

Regular Session, 2009

## HOUSE CONCURRENT RESOLUTION NO. 115

BY REPRESENTATIVE ROSALIND JONES

CRIMINAL/DISCOVERY: Authorizes the Louisiana State Law Institute to study the law regarding discovery in criminal cases

## A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Law Institute to study all aspects of the laws regarding discovery in criminal cases, and report its findings and make specific recommendations for legislation to the House of Representatives prior to the convening of the 2011 Regular Session of the Legislature of Louisiana.

WHEREAS, criminal law and criminal procedure are complicated areas of law; and

WHEREAS, criminal cases and criminal evidence are far more complex than when the code was last comprehensively amended by Act No. 515 of the 1988 Regular Session and Act No. 577 of the 1997 Regular Session; and

WHEREAS, the Code of Criminal Procedure and the Code of Evidence have been amended many times since then but a comprehensive review has never been undertaken or requested by the legislature or the Louisiana State Law Institute; and

WHEREAS, the Code of Criminal Procedure and the Code of Evidence address limitations and obligations of the state and defense regarding discovery, and after many years of practice and litigation, these codes have not been revised to reflect jurisprudence on the subject; accordingly, a recodification and revision of those codes would be beneficial to the court, the prosecutors, defense bar, and the public; and

WHEREAS, state and federal jurisprudence have imposed rules of discovery on the state and the defense but the laws regarding discovery have not been studied for decades; and

1           WHEREAS, criminal discovery by the state and the defense varies from district to  
2 district and sometimes from section to section of the same district and uniformity, as least  
3 as to certain issues, should be considered; and

4           WHEREAS, clarity of what should and should not be produced at trial will reduce  
5 litigation, inconsistent court rulings, and confusion, and should add to the certainty that all  
6 districts abide by the same rules of discovery.

7           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
8 urge and request the Louisiana State Law Institute to study all aspects of the laws regarding  
9 discovery in criminal cases, and report its findings and make specific recommendations for  
10 legislation to the House of Representatives prior to the convening of the 2011 Regular  
11 Session of the Legislature of Louisiana.

12           BE IT FURTHER RESOLVED that the Louisiana State Law Institute work in  
13 conjunction with and obtain input from the Louisiana Supreme Court, the Louisiana State  
14 Bar Association, the Louisiana District Judges Association, the Louisiana Appellate Judges  
15 Association, the Louisiana District Attorneys Association, the Louisiana Public Defender  
16 Board, the Louisiana Sheriffs' Association, the Louisiana State Police, the Louisiana  
17 Commission on Law Enforcement and the Administration of Criminal Justice, the Louisiana  
18 Public Defenders Association and Louisiana Association of Criminal Defense Lawyers, the  
19 office of the attorney general, and any other agencies or associations deemed appropriate by  
20 the committee and to report its findings to the Louisiana Legislature prior to the convening  
21 of the 2011 Regular Session.

22           BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted  
to the Louisiana State Law Institute.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Rosalind Jones

HCR No. 115

Authorizes and directs the La. State Law Institute to study all aspects of the laws regarding discovery in criminal cases, and report its findings and make specific recommendations for legislation to the House of Representatives prior to the convening of the 2011 R.S..